

GLOWACKI v. HOWELL PUBLIC SCHOOL DISTRICT, ET AL

AARON MORAN

September 5, 2012

Prepared for you by

 **BIENENSTOCK**
NATIONWIDE COURT REPORTING & VIDEO

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1 to put that in a student's CA-60 file, their
2 permanent file. We don't do that.

3 BY MS. MERSINO:

4 Q. So at Howell High School, a
5 student would receive a referral for getting a
6 tardy?

7 A. Correct, multiple tardies in a
8 classroom. That would be put on a discipline
9 form in their discipline file but not
10 necessarily in their student file.

11 Q. And students also can receive a
12 referral for bad behavior in a classroom?

13 A. Correct.

14 Q. And you say that it's a referral
15 to the administration for a decision to act
16 upon it. Do you know what the assistant
17 principals did in this situation with Daniel
18 Glowacki?

19 A. I don't believe anything was done.

20 Q. So he was not actually punished?

21 A. I don't believe so.

22 Q. And was it ever considered for him
23 to be punished?

24 A. I think when they brought it down,
25 I think there was probably some discussion

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1 between -- but I don't think anything -- I
2 think it was determined no, that's not --
3 there's not going to be discipline from there.

4 Q. And do you know who was involved
5 in that decision?

6 A. It would have been Jen Goodwin,
7 and I think Dr. Sharp was involved as well.

8 Q. And do you know if these were the
9 assistant principals that spoke with Daniel
10 Glowacki and Mr. McDowell after the class?

11 A. Yes.

12 Q. And do you know, did both
13 assistant principals speak with both parties?

14 A. I do not -- I don't believe so.

15 Q. Do you know which assistant
16 principal spoke with which person?

17 A. I think Ms. Goodwin would have
18 spoke to Daniel Glowacki based on the alphabet,
19 you know, how the alphabet is divided. But I
20 believe both of them spoke to Mr. McDowell at
21 some point.

22 Q. Do you know if that was on the
23 20th of October of 2010?

24 A. I believe it was on the 20th.

25 Q. And then this wasn't referred to

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1 result of the student's apparel?

2 MR. HENLEY: Objection to the extent
3 it calls for a legal conclusion.

4 BY MS. MERSINO:

5 Q. Would you adopt that statement as
6 your own? Do you agree with it?

7 A. Yes.

8 Q. And the next sentence, in
9 addition, you loudly and angrily dismissed
10 another student from the class for expressing
11 an opinion which you deemed intolerant and
12 unacceptable in action which may have violated
13 the student's right to free speech?

14 MR. HENLEY: Objection to the extent
15 it calls for a legal conclusion.

16 THE WITNESS: Yes.

17 BY MS. MERSINO:

18 Q. That's a statement that you would
19 adopt as your own?

20 A. Uh-huh.

21 Q. Going back to the 20th, do you
22 remember very early in that morning receiving
23 an e-mail from the superintendent, Ron Wilson,
24 in regard to an antibullying or Gay-Straight
25 Alliance day?

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1 A. Not a Gay-Straight Alliance day.
2 (Thereupon, Plaintiffs' Exhibit
3 No. 25, one-page series of e-mails, was marked for
4 purposes of identification.)

5 BY MS. MERSINO:

6 Q. I'll hand you what's been marked
7 as Plaintiff's Exhibit 25, if you could review
8 the e-mail, the top e-mail on that page.

9 A. It's not a Gay-Straight Alliance
10 day.

11 Q. Is that an e-mail that you wrote?

12 A. Yes.

13 Q. And who did you send the e-mail
14 to?

15 A. Superintendent Ron Wilson.

16 Q. And had the superintendent
17 inquired if there was some sort of special day
18 going on at the high school on October 20th of
19 2010?

20 A. No, no special day.

21 Q. Did he inquire if there were a
22 special day going on?

23 A. Yeah. He asked -- I have had
24 several or -- well, I don't know how this is
25 printed off. It doesn't appear out of context.

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1 Q. I'm just specifically asking about
2 your e-mail.

3 A. Today is an antibullying day.
4 Wear purple using this to stop homophobia. If
5 I hear of anything, I'll let you know.

6 Q. Okay. So which day was the
7 antibullying day?

8 A. There was a national antibullying
9 day on the 20th.

10 Q. The 20th of October?

11 A. October.

12 Q. And who was involved in the
13 antibullying day?

14 A. A lot of people. I don't know. I
15 mean, it was a national piece.

16 Q. A nationally sponsored --

17 A. Yeah. I heard on the radio,
18 again, different places were doing it. One
19 place got their colors wrong on it on the
20 radio. But it was supposed to be a national --
21 I mean, a national antibullying day.

22 Q. Did you hear about it then on the
23 radio? Did you hear a buzz about it at school?

24 A. I mean, I had seen a flyer, and I
25 approved it, to not be homophobic for the GSA

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1 flyer. I don't know.

2 Q. And when you say GSA, what is GSA?

3 A. Gay-Straight Alliance.

4 Q. And is that a club that's a
5 student club at Howell High School?

6 A. Correct.

7 Q. And how does it work? Is there,
8 like, a person who is a leader in the club who
9 will come to the office with a flyer for
10 approval or --

11 A. Uh-huh, correct.

12 Q. And do you remember was there,
13 like, an officer of the GSA at Howell who came
14 to the office?

15 A. The group had dropped off flyers
16 to know if it would be okay to put up.

17 Q. And what exactly was the flyer?

18 A. Stop homophobia maybe, or I -- I
19 don't know. I don't recall.

20 Q. Did the flyer specify that there
21 was a special day on the 20th of October of
22 2010?

23 A. I don't recall.

24 Q. Was there any sort of discussion
25 about people wearing purple on that day?

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1 A. I think that might have been on
2 the flyer, but I'm not a hundred percent
3 positive.

4 Q. To wear purple. And do you know
5 if the day had, like, a special name? Was it
6 antibullying day?

7 A. Not off the top of my head, I
8 don't recall.

9 Q. Who is involved in the GSA? Is
10 there a teacher involved as well or just
11 students?

12 A. To have a student club you have to
13 have an adult mentor, you know, an adult
14 advisor. So we had a staff advisor.

15 Q. Who was the staff advisor for the
16 GSA, if you recall?

17 A. I believe it was Laura Stark.

18 Q. And what role would the staff
19 advisor have?

20 A. She would be at meetings basically
21 as a -- advisors are there just to supervise
22 students.

23 Q. Did you notice on the 20th of
24 October people wearing purple T-shirts?

25 A. No.

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1 A. How many were there in there at
2 the time?

3 Q. Yeah.

4 A. Twenty maybe, fifteen.

5 Q. And would the GSA have a specific
6 bulletin board dedicated to them or is there,
7 like, a board for just student group
8 announcements?

9 A. No, they don't have a specific
10 board. What are you asking?

11 Q. Where would the flyer go after it
12 was approved?

13 A. They would put it up in areas of
14 the school where it would be noticed on walls
15 that were not, you know -- that are not -- not
16 putting on top of something, but they put it on
17 walls throughout the school, areas throughout
18 the school.

19 Q. Do you remember how many flyers
20 were approved?

21 A. No.

22 Q. More than one?

23 A. More than one.

24 Q. Less than twenty?

25 A. I don't know.

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1 Q. Was there, like, a stack of flyers
2 that were approved?

3 A. The flyers were approved. I don't
4 know how many. I don't know how many there
5 were.

6 Q. And once a flyer is approved to
7 advertise for a student event, then you said it
8 can be placed on different walls throughout the
9 school?

10 A. Correct.

11 Q. And the flyer for the GSA with the
12 antibullying day was placed throughout the
13 school?

14 A. I believe so.

15 Q. And it's approved with -- is it a
16 stamp or --

17 A. Correct.

18 Q. Was there any activities that you
19 knew about scheduled for this day?

20 A. None that I'm aware of. Like
21 within the school?

22 Q. With the GSA.

23 A. No.

24 Q. So it was advertising for an
25 antibullying day, wear purple?